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Elimination of racism, racial discrimination, xenophobia and related intolerance: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 66/144 of 19 December 2011, entitled "Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action", in which the Secretary-General was requested to submit to the Assembly, at its sixty-seventh session, a report on the implementation of that resolution, with recommendations.

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I. Introduction

1. In its resolution 66/144, the General Assembly emphasized its alarm at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large as a result, inter alia, of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies.

2. In the same resolution, the General Assembly underlined the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination. It stated that resolute action and cooperation were required to eradicate any form of impunity for crimes motivated by racist and xenophobic attitudes. The Assembly also underlined that impunity played a role in weakening the rule of law and democracy and tended to encourage the recurrence of such crimes.

3. In accordance with previous practice and pursuant to General Assembly resolution 66/144, the present report summarizes information received from various actors. In preparing the report, the Office of the United Nations High Commissioner for Human Rights (OHCHR) requested information from Member States and various stakeholders on the implementation of the resolution. Submissions were received from Argentina, Armenia, Azerbaijan, Bosnia and Herzegovina, Cyprus, Finland, France, Greece, Guatemala, Jordan, Lebanon, Malta, Mauritius, Mexico, Norway, Oman, Poland, Samoa, Slovakia, Spain and the Sudan. The Department of Public Information, the Office of the United Nations High Commissioner for Refugees (UNHCR), the Independent Expert on minority issues and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance also contributed to the report. Contributions were also received from the African Union and the European Union, the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE) and national human rights institutions, including the Dutch Equal Treatment Commission and the Equality and Human Rights Commission.

II. Contributions received

A. Member States

Argentina

4. Since its establishment, the National Institute to Combat Discrimination, Xenophobia and Racism has carried out activities to raise the profile of historically vulnerable groups and awareness within society of non-discrimination and respect for diversity. In the past year it has conducted numerous activities to promote the recognition of different cultures in Argentina and has developed various training and reference materials.

5. Argentina established its National Plan against Discrimination on the basis of the Durban Declaration and Programme of Action.

6. Act No. 23.592 establishes an aggravating circumstance for offences committed on the grounds of persecution or hatred of a race, religion or nationality

or for the purpose of completely or partially annihilating a national, ethnic, racial or religious group.

7. The Education Department of the National Institute to Combat Discrimination, Xenophobia and Racism designs and implements positive actions to encourage respect for human rights, while providing the tools necessary to develop and strengthen comprehensive training for individuals and enable them to develop their own path in life. Its Intercultural Department established an interreligious project to promote dialogue among members of different religious faiths through collaborative efforts to create training and awareness-raising materials.

Armenia

8. Armenia has elaborated a draft law on freedom of conscience and religion, which sets up guarantees to ensure the freedom of conscience, religion and belief, including through the prohibition of discrimination, interference and restrictions on the freedom of conscience, religion and belief, rights and obligations of religious organizations, their registration and many other issues.

Azerbaijan

9. In Azerbaijan, awareness-raising activities are conducted, in the context of the National Action Plan for the Protection of Human Rights, on the strengthening of intercultural dialogue and interfaith cooperation, the protection of the cultural heritage of ethnic minorities, the prohibition of discrimination and the promotion of a culture of peace and tolerance.

10. With regard to human rights education, the Ministry of Education organized a number of seminars and round tables for teaching its staff on international humanitarian law in cooperation with the International Committee of the Red Cross. Its activities included training on national minorities, respect for people representing different cultures, nationalities, languages and religions, and tolerance and mutual understanding among people representing different cultures and religions.

Bosnia and Herzegovina

11. Racial discrimination and other forms of discrimination are expressly prohibited in the Constitution of Bosnia and Herzegovina and are considered offences under the Criminal Code. Bosnia and Herzegovina, in this regard, implements a policy of eliminating racial discrimination both in the general framework and through the promotion and recognition of equal status for all in legislative, judicial, administrative and other measures.

12. The adoption in 2009 of the Anti-Discrimination Law, based on the European standards is also noteworthy. According to the Law, all public authorities have an obligation and duty to combat, refrain from and remove obstacles that directly or indirectly result in discrimination. They also have a duty to actively create conditions for equal treatment.

13. Activities are also undertaken with a view to strengthening tolerance in society, especially towards the Roma, in particular through the implementation of the Law on the Protection of National Minorities, which came into effect in May 2003. Those activities include the adoption in 2004 (and revision in 2012) of an action

plan to meet the educational needs of Roma and other national minorities in Bosnia and Herzegovina.

Cyprus

14. Cyprus noted the establishment in 2005 of the Office for Combating Discrimination in the Police, which is responsible for all issues relating to discrimination, racism and xenophobia. The Office initiates such activities as the collection of disaggregated data concerning discrimination, the appointment of ethnic liaison officers at every Divisional Police Headquarters to liaise with the local leaders or members of ethnic communities and to focus on issues of race or ethnicity, and the organization of public social events with a view to bringing the ethnic communities and the police closer and building better mutual understanding and respect.

15. In terms of police training, concrete, effective and proactive anti-discrimination measures continue to be taken in order to prevent and combat certain discrimination phenomena related to the performance of policing duties, in particular through the inclusion of human rights issues in the curricula of all ranking officers and recruits at the Police Academy, including series of training courses on discrimination, racism and xenophobia taught at various levels at the Cyprus Police Academy.

Finland

16. The reform of anti-discrimination legislation in Finland has been under way since 2007. The aim of the reform is to develop legislation that effectively guarantees equality irrespective of the discrimination grounds.

17. In March 2012 the Government of Finland adopted the first National Human Rights Action Plan. Also in 2012, the national human rights centre started to work as an adjunct to the Office of the Parliamentary Ombudsman. In conjunction with the administrative reform in 2008, a new area of responsibility — non-discrimination — was established at the Legal Affairs Unit of the Ministry of the Interior with the following tasks: (a) to support and monitor non-discrimination planning by the authorities; (b) to develop and implement the system for monitoring discrimination; (c) to fit together coordination and developing tasks related to combating racism and ethnic discrimination so that they concern both new and old ethnic minorities; and (d) to fit together programmes and projects of the European Union so that they cover all or most of the following grounds of discrimination: ethnic origin, religion or conviction, age, disability and sexual orientation.

18. The Additional Protocol to the Convention on Cybercrime took effect in Finland in 2011. An amendment to the Criminal Code took effect in June 2011, providing additional powers to intervene in racist and other hate speech and in other racist crimes.

France

19. France has developed a National Action Plan for the period 2012-2014. The Plan was developed by the Ministry of the Interior, in conjunction with other departments and in consultation with civil society, and was approved by the Council of Ministers on 15 February 2012. The post of interdepartmental delegate for the fight against racism and anti-Semitism was established by decree on 16 February

2012, and a high-level official was appointed the interdepartmental delegate by decree in the Council of Ministers on 1 March 2012.

20. The National Action Plan 2012-2014 is aimed at mobilizing all stakeholders in the fight against racism and anti-Semitism and is framed around four main objectives:

(a) Increase knowledge of and collect information on incidents of a racist and anti-Semitic nature;

(b) Systematically repress racist and anti-Semitic acts and better protect vulnerable peoples;

(c) Lead a long-term, comprehensive prevention strategy to address discrimination based on origin within central and local administrations and in the private sector, in particular through education, training, culture and sport, and placing particular emphasis on the role of the Internet and other media, the specificities of citizens of French overseas departments and the reform of legislation applicable to travellers;

(d) Include the struggle against racism and anti-Semitism in the integration policy and the promotion of equal opportunities.

21. Among the specific actions to fight against racism and anti-Semitism listed in the Action Plan, the following measures can be highlighted: improve the knowledge of racist and anti-Semitic phenomena through a reform of the statistical systems of the Ministry of the Interior and the Ministry of Justice; revitalize the departmental committees for the promotion of equal opportunities and citizenship; strengthen the training of public officials; and strengthen the struggle against racial hatred on the Internet.

Greece

22. Greece referred to its relevant legislation relating to the rights of migrants, which ensures the exercise of their fundamental rights and respect of their specificities within a system based on social justice without any special distinction based on origin. For instance, according to the law, migrants who live legally in Greece are subject to the relevant social security system and enjoy the same rights as Greek nationals. They have access to the national health system and are subject to obligatory school attendance, as are Greek nationals. Minor migrants, who attend all levels of education, have unfettered access to school and educational community activities. Law 3838/24.03.2010 provides legally residing immigrants and foreign nationals of Greek origin with the right to vote and run at local elections. In particular, migrants legally residing in the country are eligible, after applying for inclusion in special electoral registers, to be elected as municipal counsellors, counsellors of municipal districts or local counsellors, provided they possess an adequate knowledge of the Greek language in order to perform their duties.

Guatemala

23. Guatemala referred to the activities of the Presidential Commission on Discrimination and Racism against Indigenous Peoples, established in 2002. Among the main areas of the work of the Commission are the formulation of public policies that aim to eradicate racial discrimination against indigenous peoples, campaigns to

educate the general public on the issue, and involvement in the presentation of the country's national report before international organizations, including the Committee for the Elimination of Racial Discrimination.

24. Another important institution is the Office of the Ombudsman for Indigenous Women, mandated to address situations of discrimination and vulnerability faced by indigenous women. Among its core activities are the design of public policies and programmes for the prevention and eradication of all forms of violence and discrimination against indigenous women and the provision of legal assistance to indigenous women who are victims of violence, discrimination, sexual harassment and other violations.

25. In 2010, the Presidential Commission organized several regional events for different social actors, including: the presentation and promotion of the Public Policy for Coexistence and the Elimination of Racism and Racial Discrimination; a national campaign for the promotion of coexistence in cultural diversity; capacity-building workshops and strategic analysis; forums and public dialogues with indigenous peoples' organizations; sensitization forums to raise awareness against racial discrimination; training workshops for justice operators; and workshops targeting teachers at the secondary level, as well as secondary-level students on such topics as racism and discrimination, national and international legislation, multiculturalism and interculturalism.

Jordan

26. Article 6 of the Constitution provides that Jordanians are equal before the law and have the same rights and duties regardless of race, language or religion.

27. The Directorate of General Security seeks to apply the above concepts by: adopting punitive and administrative policing measures to prevent the emergence of extremist groups that advocate violence based on racism and xenophobia; training and qualifying those employed in the public security apparatus to gather information about extremist groups and transmitting it to the competent judicial authorities; taking action to prevent the growth of ideas that are likely to incite hatred or discrimination and adopting stringent measures to counter any incitement to discrimination.

28. In order to combat all forms of racial discrimination, the Directorate of General Security has established a human rights office to deal with and examine complaints of human rights violations in general and take any legal steps necessary.

Lebanon

29. The Lebanese Constitution provides that Lebanon is a parliamentary democratic republic that respects general liberties, especially the freedom of opinion and belief, and social justice and equality of rights and duties among all citizens without discrimination. Article 7 states that all Lebanese are equal before the law. They enjoy civil and political rights equally and have equal obligations and duties without any distinction. Lebanon further noted that all civil and military authorities are bound by the policy of the Government, which is based on the best standards of respect for freedoms of all citizens and foreigners residing in Lebanon.

Malta

30. The National Commission for the Promotion of Equality compiled an action plan with the aim of combating discrimination and promoting equality. The action plan provides a road map towards the achievement of a society free from racism and xenophobia. It seeks to promote a shared understanding and enhanced ownership among relevant stakeholders to safeguard racial equality and combat racism and xenophobia.

31. The Commission carried out, among other activities, various projects co-funded by the European Union, with the aim of raising awareness on rights and responsibilities related to equal treatment and the six grounds of discrimination, including race or ethnic origin. To be noted in this regard is the project "Think equal", which was carried out to sensitize, train and empower stakeholders on issues of equality, non-discrimination and diversity through various initiatives, including a seminar for young people that sought to bring them together alongside persons who had experienced discrimination and experts from different racial, sexual and cultural backgrounds to discuss local cases of discrimination and the causes and consequences of those experiences.

32. The "I'm not racist, but ..." project is being implemented in 2012. The general objectives of the project are to develop a clear understanding of the situation of ethnic minorities through research, as well as to empower respective stakeholders to prevent or combat discrimination in this area; to empower the African minority to get their voice heard, advocate for their rights and report discrimination; and to raise awareness on racial discrimination and promote cultural diversity.

Mauritius

33. Mauritius referred to its Equal Opportunities Act, which was passed in 2008 and came into force in January 2012. The Act prohibits direct and indirect discrimination on the grounds of a person's age, caste, colour, creed, ethnic origin, impairment, marital status, place of origin, political opinion, race or sexual orientation. The areas of activities to which the Act applies are employment, education, provision of goods, services or facilities, accommodation, disposal of real estate property, companies, partnerships, registered associations, clubs, sports and access to premises that the public may enter or use.

34. It is to be noted that the Act was amended in 2011 to provide for the establishment of the Equal Opportunities Commission, an independent body whose functions include: (a) working towards the elimination of discrimination and the promotion of equality of opportunity and good relations between persons of different status; (b) reviewing the Act and any related laws and submitting to the Attorney-General proposals for amending them, if required; (c) carrying out an investigation of its own volition or following a complaint; and (d) attempting to reconcile the parties to a complaint.

Mexico

35. The Government of Mexico has sought to encourage the necessary social changes by enacting laws and constitutional reforms, strengthening institutions and adopting public policies. The objective of the anti-discrimination legislative reforms is to establish protection mechanisms to combat old forms of discrimination while

preventing and neutralizing the negative effects of more recent problems and phenomena. To this end, Mexican legislation prohibits all forms or manifestations of discrimination, including racial discrimination and xenophobia.

36. On 24 April 2012, the Senate adopted an amendment to the Federal Act on the Prevention and Elimination of Discrimination, modifying the definition of discrimination to include racial segregation, racial discrimination and related forms of intolerance. The proposed amendment is currently being reviewed by the Chamber of Deputies.

37. The National Programme for the Prevention and Elimination of Discrimination, whose establishment was published in the Official Gazette on 16 April 2012, is intended to serve as the basis for public policies on preventing and eliminating discrimination. It focuses on four specific objectives: generating information and statistics, conducting research, disseminating information and providing training to establish and strengthen a culture of non-discrimination; progressively incorporating the principle and standards of protection of the right to non-discrimination within Government services and encouraging their adoption at the State level; promoting the collaborative participation of society in building a culture of equality and non-discrimination; and taking action to promote non-discrimination and measures that contribute to equality of opportunities.

38. In 2011, the National Council for the Prevention of Discrimination published a guide to combating discrimination and promoting the equality and inclusion of persons of African descent in Mexico. A campaign on the theme "For a Society Free of Racism" was launched late in 2011 to raise awareness of racism in Mexico, disseminate the results of the National Survey on Discrimination in Mexico conducted in 2010 and create a social message questioning and helping to reduce the problem of racism.

Norway

39. Norway implemented several measures to ensure that the diversity in the population is reflected in the legal system. The goals of those measures are to strengthen dialogue and interaction with relevant groups in the minority communities, increase the recruitment of employees with minority backgrounds and strengthen diversity training for public servants and managers in the legal sector.

40. The country's first action plan for the prevention of radicalization and violent extremism was presented in 2010 and comprises four priority areas: knowledge and information; strengthening the authorities' cooperation; strengthened dialogue; and greater involvement of and support to vulnerable and at-risk persons. Specific activities include the exit and deradicalization programme, which is aimed at getting members of extremist right-wing groups to exit those groups.

41. In the areas of education, working life, public services and housing, Norway undertakes awareness and educational campaigns as a tool to prevent and combat discrimination and intolerance.

Oman

42. Oman has enacted laws against any act of racial discrimination. As an example, any call for racial discrimination in the context of promoting religious or sectarian conflicts is considered an offence under the Omani Penal Code.

43. School curricula in Oman are designed to give effect to the principle of equality throughout the educational process. Courses stress combating racial discrimination, highlight human rights and promote concepts of tolerance, cooperation and constructive dialogue among individuals and groups. They inculcate in students the principles of equality and social justice by designing the syllabus and selecting the concepts and teaching methods that achieve these ends.

44. The National Human Rights Commission of Oman is an independent institution concerned with human rights and aiming to foster fruitful and constructive cooperation between Government authorities and civil society institutions in Oman.

Poland

45. With a view to establishing a broad platform for coordinating central Government activities focused on fighting racism, xenophobia and related discrimination and intolerance, the Council for Combating Racial Discrimination, Xenophobia and Related Intolerance was set up in February 2011. The Council is an advisory body to the Council of Ministers. Its work consists of planning, coordinating and assessing central Government actions to eradicate racism, xenophobia and intolerance. The Council started work on drafting a Government action plan to combat racial discrimination, xenophobia and related intolerance, to be presented biennially to the Council of Ministers.

46. The Act of 3 December 2010 Implementing Certain European Union Provisions on Equal Treatment entered into force on 1 January 2011. The new law identifies ways to prevent violations of the principle of equal treatment on account of sex, race, ethnic origin, nationality, religion, denomination, beliefs, disability, age, or sexual orientation. The Act regulates the legal situation and fully transposes the provisions of European Union anti-discrimination directives.

Samoa

47. Samoa, while not reporting specifically on the issue of racism, racial discrimination, xenophobia and related intolerance, took the opportunity to reiterate its commitment to the principles enshrined in the Charter of the United Nations and to its legal framework for the protection of fundamental rights, as stipulated in its Constitution.

Slovakia

48. In Slovakia, the action plan to prevent all forms of discrimination, racism, xenophobia, anti-Semitism and other forms of intolerance is the basic systematic tool of the Government in the area of prevention and elimination of these negative phenomena in society. The main coordinator of the creation and implementation of the action plan is the Human Rights and Equal Treatment Section.

49. At the level of the Ministry of the Interior, this issue is covered by the Department of Spectator Violence and Extremism in the Office of Criminal Police.

Spain

50. The policies and measures of the Government of Spain to combat racism, racial discrimination, xenophobia and related intolerance are set forth in the

Strategic Plan for Citizenship and Integration, in which equal treatment and the fight against discrimination are cross-cutting themes.

51. The Government's commitment to the Durban principles is further supported by its Comprehensive Strategy against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The Comprehensive Strategy was developed by the Spanish Monitoring Centre on Racism and Xenophobia in conjunction with civil society and Government and non-governmental experts. The 41 objectives and 129 measures provided for in the Strategy relate to such areas as information systems, criminal proceedings, institutional cooperation and coordination with civil society, prevention and victim support, education, employment, health care, housing, the media, the Internet, sport and awareness-raising.

52. In the area of sport, the Comprehensive Strategy accords particular importance to sport as a medium for promoting ethical social values, such as mutual respect, tolerance and fair play, while recognizing that it can also be a medium for disseminating racist and xenophobic propaganda.

53. With regard to education, under the Comprehensive Strategy, priorities include guaranteeing equal access to education for all and contributing to a form of citizenship education that will help to prevent incidents of racism, racial discrimination, xenophobia and related intolerance.

Sudan

54. The Sudan is recognized in its Constitution as a multicultural, multilingual, multiracial, multi-ethnic and multireligious country.

55. These diversities coexist, and the State is committed to the respect and promotion of human dignity, justice and equality and assures human rights and fundamental freedoms for all its citizens. In this regard, all persons are equal before the law and are entitled to equal protection under the law without discrimination as to race, colour, sex, language, religious creed or ethnic origin.

56. The criminal law also incriminates racism or any other similar crimes, such as slavery, servitude, abduction or compulsory labour.

B. United Nations entities

Department of Public Information

57. The Department of Public Information, working in close collaboration with OHCHR, undertook a range of activities to promote the tenth anniversary of the adoption of the Durban Declaration and Programme of Action (September 2011), the International Day for the Elimination of Racial Discrimination (March 2012) and the International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade (March 2012).

58. The Department created a dedicated website in six languages for the High-level Meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action (22 September 2011), featuring a range of public information materials on the event and related issues. A special information kit was handed out to delegations attending the meeting.

59. The Department provided extensive coverage of the High-level Meeting, including live webcasting of the event, television and radio news reports, web-based news articles, photographs and meeting summaries. The news reports were produced in all six official languages, as well as in Portuguese and Swahili.

60. The Department, in cooperation with OHCHR, is also producing a publication, in six official languages, that includes the Durban Declaration and Programme of Action, the outcome document of the Durban Review Conference and the political declaration adopted at the High-level Meeting. The publication will be disseminated as a reference for United Nations system partners, students, non-governmental organizations (NGOs) and human rights practitioners.

61. The Department's communications strategy for the tenth anniversary focused on two objectives: to raise awareness of the need to combat racism and mitigate misperceptions about the Declaration. Beyond global outreach, special attention was given to activities targeting the New York-based Jewish community and the African-American community across the United States.

62. "Let's fight racism", a global campaign in six languages aimed at highlighting stereotypes, challenging perceptions, encouraging discussion and changing behaviour, was launched by the Department and OHCHR to coincide with the High-level Meeting. The campaign used images of people of different ethnicities — on postcards, videos, a website and social media — with the slogan, "More than meets the eye".

63. The Department and OHCHR used the "Let's fight racism" campaign to conduct a multilingual social media campaign in the lead-up to the International Day for the Elimination of Racial Discrimination. The week-long campaign, "Seven days and seven ways to fight racism", used Twitter, Facebook and newer social media tools, such as Storify, Pinterest and Google Plus, to reach a record number of people, including over 3 million on Twitter alone.

64. The Department engaged its global network of United Nations information centres to deploy the "Let's Fight Racism" materials as part of local public information campaigns. The United Nations Information Centre in Panama obtained pro bono advertising space to display campaign posters at public bus stops for six months. In Zambia, a community outreach programme used theatre, music and dance to target mainly children and young adults.

65. As part of efforts to raise awareness about women and the Holocaust, the Department conducted a series of educational events and produced a study guide for students and teachers outlining racial discrimination and intolerance towards Jewish women and other minorities.

66. Through the United Nations Academic Impact initiative, the Department held two events in the "Unlearning intolerance" seminar series. In May a group of Indian writers discussed the dangers of intolerance in society, and in October a programme examined the non-violent struggle against apartheid in South Africa.

Office of the United Nations High Commissioner for Refugees

67. UNHCR, along with other bodies, contributes to the work of the Convention on the Elimination of All Forms of Racial Discrimination and cooperates with the Special Rapporteur on contemporary forms of racism, racial discrimination,

xenophobia and related intolerance. In addition, UNHCR field offices regularly provide input to the annual report of the Office for Democratic Institutions and Human Rights on hate crimes. Through its input, UNHCR aims to help in collecting data on racist and xenophobic crimes, contribute to the development of policies and programmes that address racially motivated incidents and support efforts to monitor the effectiveness of such policies and programmes.

68. In April and May 2012, UNHCR conducted a public opinion survey to measure attitudes and awareness concerning refugees. The online survey compared representative samples of 1,000 adults in 11 pilot countries, namely Australia, Germany, Greece, Italy, Latvia, the Netherlands, the Russian Federation, South Africa, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland. These findings will help UNHCR in tailoring communication strategies and advocacy messages that focus on safeguarding the rights of refugees and asylum seekers.

C. Regional organizations

European Union and African Union

69. The European Union and the African Union sent a joint contribution based on a joint workshop that they organized on 5 June 2012.

70. The African Union and the European Union are engaged in a strategic partnership covering several pillars, in particular a strategic pillar on governance, democracy and human rights. In this context, both the African Union and the European Union, including their respective member States, affirmed the high importance that they attach to the fight against racism, racial discrimination, xenophobia and related intolerance. In September 2010, both parties agreed in Addis Ababa that racism, racial discrimination, xenophobia and related intolerance would constitute a general theme to be discussed in Geneva.

71. On 5 June 2012, the delegations of the European Union and the African Union in Geneva held a joint workshop with a view to organizing an exchange of best practices at the local, national and regional levels on combating racial discrimination in effect and addressing incitement to racial hatred.

72. The seminar allowed a better understanding of the mechanisms established in both the African and European continents. Participants learned how the African Charter, which promotes and protects the principle of equality and non-discrimination, is implemented through the various mechanisms in place, including the African Commission, the African Court and the Human Rights Strategy for Africa. At the European and regional levels, experts presented some of the legal instruments that remain to be implemented and the related challenges.

73. Some participants raised the issue of increasing manifestation of racism and racial discrimination in all continents, which is exacerbated in part by the global economic crisis and certain political crises and other social movements occurring in some regions of the globe. All participants agreed in conclusion that, while legislation and mechanisms established in both continents at the local, national and regional levels are very important, the absence of effective implementation and the lack of political will remain major obstacles.

74. Participants expressed their willingness to intensify cooperation between the African Union and the European Union in general and on the issue of racism, racial discrimination, xenophobia and related intolerance in particular, including through the organization of other seminars in order to promote the exchange of views, information and good practices in the fight against racism.

Office for Democratic Institutions and Human Rights

75. OSCE-participating States have acknowledged that hate crimes, racism and xenophobia, as well as anti-Semitism and intolerance against Muslims, Christians and members of other religions or beliefs, constitute a threat to stability and security throughout the OSCE region. They have adopted a comprehensive range of commitments to prevent and respond to hate-motivated violence and promote mutual respect and understanding.

76. In line with its mandate, the Office assists participating States and civil society in combating hate crimes and promoting mutual respect and understanding. The Office designed a broad range of programmes to build the capacity of law enforcement, Government officials and civil society to combat hate crimes and raise awareness through educational programmes. The activities of the Office also focus on monitoring, collecting and disseminating information on hate crimes and good practices designed to address them.

77. The Office is currently developing a practical guide for policymakers on how to collect hate crime data. It also reviews legislation related to discrimination and hate crimes upon the request of participating States.

78. In 2011, the Office published the *Guidelines for Educators on Countering Intolerance and Discrimination against Muslims*. The publication was developed in partnership with the United Nations Educational, Scientific and Cultural Organization and the Council of Europe with the aim of advising educators on how to confront intolerance and discrimination in schools. The Office also organizes training for NGOs.

79. In follow up to the high-level conference on hate crimes targeting Christians organized in 2011, the Office is preparing a seminar on the role of civil society in combating hate crimes against Christians.

D. National human rights institutions and equality bodies

Dutch Equal Treatment Commission

80. The Dutch Equal Treatment Commission has a mandate to examine individual complaints in accordance with existing legislation on equal treatment. Furthermore, the Commission may provide solicited and unsolicited advice to the Government and private parties. It may also conduct investigations. An example of such an investigation is a survey concerning discrimination on the grounds of origin/ethnicity at the Hague University.

81. In 2010 the Government of the Netherlands introduced a bill in Parliament proposing the establishment of a national institute with a comprehensive human rights mandate. The bill was approved by the Senate on 22 November 2011, enabling the Act to become effective and paving the way for the Netherlands

Institute of Human Rights, which is to become operational late in 2012. The Commission has undertaken preparations for the establishment of the Institute and will merge with this Institute.

82. The Netherlands Institute of Human Rights will be established to protect and promote human rights in the Netherlands by monitoring, giving advice, conducting and stimulating research and providing public information. The mandate will expand significantly from equal treatment issues to include all human rights. The Institute will continue to conduct and stimulate research and give advice on law and policy.

Equality and Human Rights Commission

83. The Equality and Human Rights Commission, a statutory body set up under the Equality Act 2006, is mandated to promote understanding of the importance of human rights and equality and to protect, enforce and promote equality across the nine "protected" grounds, namely age, disability, gender, race, religion and belief, pregnancy and maternity, marriage and civil partnership, sexual orientation and gender reassignment.

84. In 2010 the Commission published *Understanding the Rise of the Far Right*, which examines the factors that underpin the rise of far-right political parties in England (in particular the British National Party); why those parties are successful in some places but not in others; and the implications of the British National Party's tactics and electoral success for community cohesion.

85. The Commission also submitted a report to the Committee on the Eradication of Racial Discrimination on the eighteenth to twentieth periodic reports of the United Kingdom, which drew the Committee's attention to the key issues that, in the Commission's view, affect race equality; highlighted gaps in the State report; and made recommendations to the Committee with regard to actions to be taken by the Government.

III. Update on activities

A. Office of the United Nations High Commissioner for Human Rights

86. OHCHR leads the work of the United Nations to prevent and combat discrimination and promote equality and universal respect for human rights and fundamental freedoms for all. The Office advocated for and supported reforms, including through technical advice and assistance to States in implementing their international obligations and recommendations by human rights bodies and mechanisms in the field of equality and non-discrimination. OHCHR collaborated with Member States, in particular, on the adoption of legislation, public policies, programmes and national action plans and on other activities. OHCHR also supported the efforts of national human rights institutions, specialized equality bodies, civil society and individuals, as well as groups facing discrimination.

87. Anti-discrimination is a strategic priority at OHCHR — at its headquarters in Geneva, its New York office and the field presences. OHCHR developed substantive expertise and experience in this field in particular, preparing thematic studies and

developing capacity-strengthening and methodological tools. In addition, OHCHR provides human rights mechanisms with substantive and secretariat support.

88. OHCHR continued to service the work of the Committee on the Eradication of Racial Discrimination and follow-up mechanisms of the Durban Declaration and Programme of Action. Pursuant to requests by the Human Rights Council and the General Assembly, OHCHR organized several high-level panels, including on good practices against racism, a global dialogue for the promotion of a culture of tolerance and peace, and the promotion and protection of human rights through tolerance and reconciliation, in recognition of Nelson Mandela International Day. These activities served to foster global dialogue and the sharing of good practices and allowed for an exchange of views and perspectives on contemporary issues of racial discrimination, xenophobia and related intolerance. OHCHR organized the official United Nations event for the International Day for the Elimination of Racial Discrimination, which took place at the United Nations Office at Geneva on 21 March 2012, with the High Commissioner for Human Rights and the Reverend Jesse Jackson of Rainbow Push Coalition. The theme for the event was "Racism and conflict", highlighting the fact that racism and discrimination are often at the root of deadly conflict. The theme was chosen to capture the often ignored yet mutually reinforcing relationship between racism and conflict.

89. OHCHR has continued to empower groups and individuals facing discrimination by facilitating their participation in relevant activities, carrying out projects to strengthen their capacity to claim their rights and supporting grassroots organizations.

90. OHCHR also provides human rights expertise and advice, supports civil society organizations in their advocacy efforts, assists the United Nations country teams in providing comments on drafts and engages with a number of international human rights mechanisms to advocate for the adoption of laws that are in compliance with the International Convention on the Elimination of All Forms of Racial Discrimination and protect and promote the human rights of those who are marginalized. Advice on and support to Member States in the formulation of national policies and programmes, including national action plans to eradicate racism and discrimination and promote equality, was a main pillar of OHCHR anti-discrimination work during the reporting period.

91. For the past two years, OHCHR has been assisting Member States with activities aimed at developing national action plans, with the input and participation of OHCHR country and regional offices. Support was provided to the action plans of the following countries in 2011: Benin, Bolivia (Plurinational State of), Botswana, Burkina Faso, Costa Rica, Mauritania, Nigeria and Uruguay. In September 2011, OHCHR organized a seminar on national action plans in Saint Petersburg, Russian Federation, for 10 countries of the Commonwealth of Independent States.

92. The twentieth anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities in 2012 provides an opportunity to create momentum for strengthened implementation of the Declaration and stronger engagement on minority rights in general. Against this background, OHCHR is organizing a series of events marking the anniversary. Thus far, OHCHR organized during the nineteenth session of the Human Rights Council a panel discussion to commemorate the twentieth anniversary of the adoption of the Declaration with a particular focus on its implementation and on achievements, best

practices and challenges in this regard. In collaboration with the Government of Austria, OHCHR also organized an expert seminar on the theme "Enhancing the effectiveness of international, regional and national human rights mechanisms in protecting and promoting the rights of religious minorities". Held in Vienna on 22 and 23 May 2012, the expert seminar offered an opportunity to examine in depth how the work of international and regional mechanisms could serve to improve, at the national level, the implementation of key recommendations from international and regional mechanisms.

93. OHCHR work on countering discrimination is strengthened by the decision in March 2012 of the Secretary-General's Policy Committee to bolster system-wide work in this area by creating a United Nations network on racial discrimination and protection of minorities. Coordinated by OHCHR, the Network will facilitate collaboration among United Nations entities, provide guidance and help to share and implement effective practices to combat racial discrimination and protect minority rights.

Forum on Minority Issues

94. The Forum on Minority Issues, established under resolution 6/15 of the Human Rights Council, provides a platform for promoting dialogue and cooperation on issues pertaining to persons belonging to national or ethnic, religious and linguistic minorities, and thematic contributions and expertise to the work of the Independent Expert on minority issues, who is required to guide its work and prepare its annual session. As a practical measure to promote awareness and implementation of the recommendations of the Forum in every region, under the auspices of the mandate of the Independent Expert a compilation of the recommendations of the first four annual sessions (on the themes of minorities and the right to education, political participation, economic participation and the rights of minority women and girls) has been produced. The publication will be widely disseminated and made available online and in CD-ROM format.

95. The fourth annual session of the Forum was held on 29 and 30 November 2011. At that session, the Forum considered the issue of guaranteeing the rights of minority women and girls, including their access to education and their participation in economic and political life.

B. Durban follow-up mechanisms

Ad Hoc Committee on the Elaboration of Complementary Standards

96. At the fourth session of the Ad Hoc Committee on the Elaboration of Complementary Standards, which was held from 10 to 20 April 2012 (see A/HRC/21/59), substantive discussions took place on xenophobia and on the establishment, designation or maintenance of national mechanisms mandated to protect against and prevent all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance, as well as on procedural gaps with regard to the International Convention on the Elimination of All Forms of Racial Discrimination. The Ad Hoc Committee requested OHCHR to issue a questionnaire with a view to generating information on those topics, including legal and judicial frameworks and practices, substantive and procedural measures and

possible recommendations. The responses to the questionnaire will be posted on the OHCHR website, and a summary will be prepared for further discussion.

Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action

97. The Intergovernmental Working Group held its ninth session from 17 to 28 October 2011. At that session, the participants reviewed the progress on the implementation of recommendations adopted by the Working Group at its eighth session and shared experiences and best practices on implementing the International Convention on the Elimination of All Forms of Racial Discrimination, the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference. Furthermore, thematic discussions on the role of sport and education in combating racism, racial discrimination, xenophobia and related intolerance were held. Expert presentations on those topics were followed by interactive discussions. The Working Group adopted conclusions and recommendations on the above-mentioned themes (see A/HRC/19/77).

Working Group of Experts on People of African Descent

98. The eleventh session of the Working Group, which was held in May 2012, was devoted mainly to developing the Programme of Action for the Decade. The Working Group adopted a draft Programme of Action, which was based on contributions from Member States, international and regional bodies and civil society, and took into account the Durban Declaration and Programme of Action and the general recommendations of the Committee on the Elimination of Racial Discrimination, in particular recommendation 34 on racial discrimination against people of African descent.

99. In line with the theme of the International Year for People of African Descent, the Working Group proposed the same theme for the Decade, "Recognition, justice and development". The draft Programme of Action addresses priority areas for the Decade, including the right to equality and non-discrimination; education and awareness that recognizes the history, cultures and contributions of people of African descent; data collection to give more visibility to their situation and experiences; participation and inclusion, including in decision-making processes; equal protection under the law and countering discrimination in the administration of justice; the right to development; access to quality education, employment, health and housing; adoption of special measures to overcome persistent or structural disparities; and the multiple forms of discrimination faced by different groups of people of African descent, in particular women, children and migrants.

C. Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

100. Mr. Mutuma Ruteere was appointed Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance by the Human Rights Council at its eighteenth session. He took up his function in November 2011, which coincided with the commemoration of the tenth anniversary of the adoption of the Durban Declaration and Programme of Action and the International Year for People of African Descent. In this context he participated in

the high-level thematic debate leading to the closure of the Year, held in December 2011 in New York. He also participated in the eleventh session of the Working Group of Experts on People of African Descent, which was held in May 2012 in Geneva and devoted to developing the draft Programme of Action for the United Nations Decade for People of African Descent.

101. On the occasion of the International Day for the Elimination of Racial Discrimination, on 21 March 2012, the Special Rapporteur issued a joint press release stressing that racism is still fuelling violence and conflict. The mandate holder also initiated cooperation with the African Commission on Human and Peoples' Rights. In this regard he attended the first meeting of the special procedures of the Human Rights Council and the special mechanisms of the African Commission on Human and Peoples' Rights organized by OHCHR, in cooperation with the African Commission on Human and Peoples' Rights, in Addis Ababa on 18 and 19 January 2012.

102. The Special Rapporteur presented to the Human Rights Council at its twentieth session his first annual report focused on the prevention of racism, racial discrimination, xenophobia and related intolerance and the report on the implementation of General Assembly resolution 66/143 on the inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

103. The Special Rapporteur intends to continue engaging on the issue of the prohibition of incitement to national, racial or religious hatred, including by participating in a final expert meeting of the OHCHR series of expert workshops on the prohibition of incitement to national, racial or religious hatred, scheduled to take place in Morocco in October 2012. The Special Rapporteur will also participate in the thematic discussion of the Committee on the Elimination of Racial Discrimination on racist hate speech, to be held on 28 August 2012.

D. Independent Expert on minority issues

104. The newly appointed Independent Expert on minority issues, Rita Izsák, submitted her first report for consideration by the Human Rights Council at its nineteenth session (A/HRC/19/56). The report highlighted that 2012 marks the twentieth anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and noted that a range of activities would be undertaken by OHCHR and the Independent Expert in that context. The Independent Expert encouraged Member States and other stakeholders in all regions to consider holding their own events and activities to mark the anniversary and to raise awareness of the Declaration and the rights of persons belonging to minorities. The Independent Expert will participate in a series of subregional conferences organized by OHCHR and hosted by some of its regional offices to help in raising awareness of the Declaration and promoting its implementation. She participated in an event held in Vienna in May 2012 entitled "Enhancing the effectiveness of international, regional and national human rights mechanisms in protecting and promoting the rights of religious minorities".

105. The Independent Expert's report to the Council featured a review of activities that she had undertaken and highlights the issues that she will prioritize in her first term. Among the priority issues to be addressed are the rights of linguistic

minorities and the rights and security of religious minorities. The Independent Expert's priorities also include promoting recognition of minorities and acknowledging that in all regions there are ethnic, religious or linguistic groups that are not recognized and some members of which who are rendered stateless, with negative implications for all their rights, including minority rights.

106. Emphasizing the role of minority rights protection in conflict prevention, the Independent Expert will pay particular attention to early signs of potential conflicts among different communities, such as indicators of increasing alienation or hatred against certain groups.

IV. Conclusions and recommendations

107. Some progress has been made in combating racism, racial discrimination, xenophobia and related intolerance. Still, these phenomena have not been eradicated, and no country can claim to be free of their destructive effect.

108. **Ever-stronger political will and urgent measures are needed to reverse the continuing worrisome trends over the past years of increasingly hostile racist and xenophobic attitudes and violence. Intercultural dialogue, tolerance and respect for diversity are essential for combating racial discrimination and related intolerance.**

109. **So that progress in the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action and the outcome of the Durban Review Conference can be reviewed, all stakeholders are invited to regularly submit updated inputs, in accordance with requests for information.**

110. **Member States are encouraged to invite the Working Group of Experts on People of African Descent to carry out country visits.**

111. **Member States and other stakeholders are invited to participate actively in the deliberations on the Durban follow-up mechanisms and to implement the recommendations emanating therefrom.**

112. **Member States that have not yet done so are encouraged to develop and implement national action plans in order to combat racial discrimination and related intolerance.**

113. **International and regional organizations are encouraged to intensify collaboration in fighting against racism, racial discrimination, xenophobia and related intolerance.**